

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ADAM BAKER, as Personal Representative to the
Estate of ZACHARY BARELA,

Plaintiff,

v.

No. 2:22-cv-152 KWR/KRS

CORIZON HEALTH, INC., et al.,

Defendants.

ORDER TO NOTIFY COURT

THIS MATTER is before the Court *sua sponte* and on review of Plaintiff's Motion to Compel Discovery, (Doc. 26), seeking production of a "mortality review" that was prepared after Mr. Barela's death. The attorneys in this case recently briefed a similar motion in another case filed in this district, *Garcia v. Board of County Commissioners for the County of Dona Ana, et al.*, 21cv485 DHU/GJF. In *Garcia*, the assigned Magistrate Judge entered an Order Compelling Discovery and ordered Defendant Corizon Health, Inc., to produce the mortality review to the plaintiff. (Doc. 88, filed in 21cv485 DHU/GJF). Defendant Corizon filed objections to that Order and the Magistrate Judge stayed production of the mortality review pending the presiding judge's ruling on the objections. (Doc. 90, filed in 21cv485 DHU/GJF).

Due to the procedural posture of the Motion to Compel in *Garcia*, and the apparent similarities of the issues addressed by the Magistrate Judge in that case, the Court requires the parties to file a written notice (either together or separately) as to whether the mortality review at issue in *Garcia* is identical or substantively similar to the mortality review at issue in this case. To the extent either party contends the mortality reviews are not identical, that party shall describe the differences.

IT IS THEREFORE ORDERED that the parties shall file a notice (either together or separately) as described above **by January 31, 2023.**

IT IS SO ORDERED.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE